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Staff:	Jim Baskin
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Hearing Date:	March 14, 2001
Commission Action:	

TO: Commissioners and Interested Parties

FROM: Peter M. Douglas, Executive Director
Steve Scholl, Deputy Director
Robert S. Merrill, North Coast District Manager
Jim Baskin, Coastal Planner

SUBJECT: **City of Crescent City LCP Amendment No. CRC-MAJ-1-00, (Del Norte Healthcare District).** (Meeting of March 14, 2001, in San Diego)

SYNOPSIS:

Background:

As discussed herein, the impetus for the proposed LCP amendments follows from an appeal to the Commission of a decision of the City of Crescent City to grant a permit with conditions to the Del Norte Healthcare District for development of a hotel and restaurant project (File No. A-1-CRC-00-033). The Commission found that the appeal raised a substantial issue of conformance of the project as approved with the certified LCP at its meeting of September 13, 2000. One of the major contentions of the appeal is that, in conditionally approving this development project, the City did not adequately address or consider several issues of nonconformance with LCP policies and standards regarding the type of development and project site. These conformance issues related to: (1) the Medical Related (MR) land use designation currently applied to the project site that does not provide for development of commercial visitor-serving facilities; (2) LUP policies encouraging and/or reserving the site for medical-related development; and (3) other provisions within the LCP regarding the presence of coastal erosion environmental hazards, associated mitigation measures, and requirements for acceptance of offers of dedication for public access at the site.

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Since the September hearing on substantial issue, the City acted to amend the LCP provisions which conflict with the proposed project and asked staff to schedule the *de novo* hearing on the appeal for a Commission meeting after the LCP amendment is acted on by the Commission.

Amendment Description:

The City of Crescent City proposes to amend its Land Use Plan text and maps and corresponding Implementation Program text and maps to accommodate the development of the hotel and restaurant project at the site of the former Seaside Hospital at the intersection of Front and “A” Streets. The subject property is currently planned for both commercial and medical-related uses, and is split-zoned for medical related and residential / professional office development. The current LUP also contains several policies encouraging and reserving the whole of the property for medical-related development. In addition, the LUP contains several outdated descriptions of the property and surrounding features (e.g., the route of a bicycle path, coastal erosion conditions on the adjacent beach, provisions for acceptance of access offers of dedication) that do not reflect current conditions in this portion of the City. As submitted, Crescent City’s LCP Amendment No. CRC-MAJ-1-00 would consist of: (1) proposed revisions to the text and land use maps of the Coastal Element of the City’s General Plan (LUP) providing specific goals and policies intended to guide development of visitor-serving facilities at a specific oceanfront site within the City’s planning area; (2) creation of a Commercial Waterfront zoning district; (3) an associated change to the zoning maps to apply the zoning to the specified oceanfront site; and (4) ordinance amendments providing revisions as necessary to maintain consistency with the proposed general plan and zone changes, as well as to incorporate the newly-created zoning district. On November 6, 2000, the City of Crescent City’s City Council adopted the amendments and directed its staff to submit the changes for certification by the Commission.

Summary of Staff Recommendation:

The staff recommends that the Commission, upon completion of a public hearing, **certify the amendment request with suggested modifications**. The City’s proposal for redesignating and rezoning the site from a medical facilities designation to those that support visitor-serving commercial facilities is consistent with the priority visitor-serving use policies of the Coastal Act. Due to its waterfront setting adjacent to a sandy-rocky beach, availability of coastal views along the shoreline, and its location at a major crossroads in a developed area of town with necessary services, the site is especially suitable for such uses. However, there are some specific changes proposed to the LCP to accommodate this redesignation and rezoning that in the case of the LUP amendment are not consistent with the Coastal Act, and in the case of the IP amendment, would not conform with and carry out the LUP as amended. The Suggested Modifications recommended by staff would make the LUP amendments consistent with the Coastal Act and the IP amendments conform with and carry out the LUP, as amended, for the following reasons:

- The City’s proposed amendment to LUP Chapter 1 – Public Access Policy #2 only establishes a provision for the acceptance of an offer of dedication for public access at the

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discretion of the City for development occurring at the proposed resort hotel site. The amendment includes no associated requirement to consider the need for an offer of dedication of public access to proportionally offset impacts to existing use of and/or increased demand for public access facilities that would result from any newly proposed development. Suggested Modification No. 1 would insert policy language requiring that an offer of dedication of public access be made in conjunction with new development where the offer of dedication would alleviate significant adverse impacts to public access and the offer is related to the impacts in nature and extent.

- The proposed amendments to the description of the LUP Chapter 2 - Recreation and Visitor Serving Facilities Harbor-City Bicycle Path circuitously relocates the route of this recreational facility away from the coast in response to the vacation of a street right-of-way associated with the future development proposal. Given that the existing bicycle path is routed for the ocean views it provides, automatically rerouting the bicycle path to reduce such viewing opportunities would be contrary to other provisions within the certified LCP, and the directives of the Coastal Act to protect and provide maximum public access and recreational opportunities. The Coastal Act directs that existing access and recreational facilities as well as new or substitute facilities be protected. Accordingly, Suggested Modification Nos. 2 and 3 would provide a new policy that protects the existing routing of the bicycle path at the subject site, allowing for realignment only when retention within the new development would not be feasible consistent with all applicable LCP provisions.
- The amendments to the description of the LUP Chapter 5 Diking, Dredging, Filling and Shoreline Structures general conditions proposed by the City are structured such that provisions for shoreline protective structures are discussed without the limitations, prerequisites, and qualifications required by the Coastal Act being stated. The proposed language could result in shoreline protective structures being permitted: (1) for a wider assortment of uses than those authorized by the Coastal Act; (2) when other environmentally less damaging feasible alternatives were available; and/or (3) without all feasible mitigation measures having being included. In addition, no discussion has been included addressing the Coastal Act directive to eliminate the need for shoreline protective structures through the proper siting and design of new development to avoid or cause geologic instability. Furthermore, the amendment would also allow existing inaccurate statements regarding the Commission having a set wetlands mitigation replacement ratio to remain. Finally, although the amendment proposes to excise dated verbiage relating to coastal erosion and dredge spoils disposal activities, the City has opted to retain a policy providing for future development of a sand management plan.

Given the potential impacts the proposed amendment could have on coastal environmentally sensitive areas, coastal access and recreation, the proposed amendment must be modified to achieve conformity with the Coastal Act. Suggested Modification No. 4 would include revisions to: (1) further clarify the three-tiered approach of the Coastal Act to preclude the need for shoreline protective structures in new development, limit the instances where shoreline protective devices may be authorized, and provide

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criteria for diking, dredging, and filling of coastal waters associated with permissible shoreline protective structures, (2) indicate the parties qualified to prepare geo-technical analyses, (3) describe the areas along the City's shoreline where beach nourishment might be appropriate, and (4) identify that development of any future sand management plan referenced within the Chapter would require an LCP amendment.

- The proposed amendment to LUP Chapter 7 - Public Works Policy Recommendation # 2 would establish a requirement that best management practices for controlling stormwater runoff and maintaining water quality be incorporated into the design and operation of development. However, the policy is qualitative in its scope and a corollary quantitative standard establishing a threshold by which polluted runoff would be treated is needed to ensure that coastal water quality is adequately protected. Suggested Modification No. 5 would include the "85th percentile 24-hour/1-hour storm event" criteria so that protection of coastal water quality would be more effectively assured.
- Although quoted within the preface discussion of LUP Chapter 3 – Coastal Visual Resources and Special Communities, the current certified LUP does not contain any policies specifically incorporating the requirements of Coastal Act Section 30251 that relate to the protection of visual resources. The main areas of concern regarding the protection of visual resources as they relate to the proposed amendment are: (1) prohibiting the erection of signage in areas zoned Open Space; (2) protecting view corridors along the Highway 101 southern entrance into the City; and (3) preserving the visual character of the town as expressed in its historically or architecturally significant structures. The subject site for the proposed amendment is located on a oceanfront site along the City's southwestern shoreline. Though views directly to the ocean from the property's public road frontage are limited by the site's up-sloping topography towards the bluff edge, relatively unobstructed oblique views are afforded of the scenic rugged shoreline and offshore rocks to the northwest [see Exhibit No. 6]. The proposed amendments would allow development that could adversely affect the views to and along the coast at the site. Suggested Modification No. 6 would generally restate the requirements of Coastal Act Section 30251 and require that a northwesterly view corridor be retained in the approval of any future development at the subject site.
- The proposed amendment to the description of the "Commercial" land use designation would add "recreational and visitor-serving uses" to the list of principally permitted uses. However, the City has not proposed the specific wording or form that the addition would take. Suggested Modification No. 7 is recommended to provide the specific wording.
- The proposed amendment to the Implementation Program to establish a new Coastal Zone Waterfront Commercial zoning district contains a provision for allowing building heights in excess of thirty-five (35) feet with a use permit. Authorizing heights in excess of 35 feet may conflict with the language to be added to the LUP by Suggested Modification No. 6, which among other requirements, would require that new development be sited and designed to be compatible with the character of the surrounding

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area. Accordingly, Suggested Modification No. 8 recommends that the proposed provision to allow for heights greater than 35 feet be deleted.

The Commission's procedures require that if the Commission wishes to certify an amendment with modifications, the Commission must first deny the LCP amendment request as submitted, and then certify the amendment if modified as suggested to incorporate the recommended changes. Therefore, staff recommends that the Commission, upon completion of the public hearing, deny the LCP amendment as submitted, and then certify the amendment if modified as suggested.

The appropriate motions and resolutions to adopt the staff recommendation are found on pages 6 through 9 of this report.

Analysis Criteria:

To certify the amendment to the Land Use Plan (LUP) portion of the City of Crescent City Local Coastal Program, the Commission must find that the LUP, as amended, is consistent with the policies of Chapter 3 of the Coastal Act. To certify the amendment to the Implementation Program (IP) portion of the LCP, the Commission must find that the IP, as amended, conforms with and is adequate to carry out the amended LUP.

Additional Information:

For additional information about the LCP Amendment, please contact Jim Baskin at the North Coast District Office at (707) 445-7833. Please mail correspondence to the Commission at the above address.

Status of Crescent City's City-wide LCP Revision Program:

In addition to the LCP Amendments being proposed for the former Seaside Hospital site associated with the envisioned Redwood Oceanfront Resort, the City is presently undertaking substantial revisions to its entire Local Coastal Program. On July 5, 2000, the City released the public review draft of its General Plan Update, which includes significant amendments to the form and content of its coastal element. Also on that date, the City began the public review period for the associated Draft Environmental Impact Report (DEIR). On November 21, 2000, the City recirculated the portions of the DEIR addressing scenic resources for public comments. This review period ended on January 4, 2001. Currently, the City is compiling comments and responses to comments for publication in a Final EIR. Submission of the proposed City-wide LCP Amendment to the Commission for a certification review is tentatively set for late Spring 2001.

PART ONE: RESOLUTIONS AND SUGGESTED MODIFICATIONS

I. MOTIONS, STAFF RECOMMENDATIONS, AND RESOLUTIONS FOR LCP AMENDMENT NO. CRC-MAJ-1-00

A. DENIAL OF LUP AMENDMENT NO. CRC-MAJ-1-00, AS SUBMITTED:

MOTION I: I move that the Commission certify Land Use Plan Amendment No. CRC-MAJ-1-00 as submitted by the City of Crescent City.

STAFF RECOMMENDATION TO DENY:

Staff recommends a **NO** vote. Failure of this motion will result in denial of the amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION I TO DENY CERTIFICATION OF THE LAND USE PLAN AS SUBMITTED:

The Commission hereby denies certification of the Land Use Plan Amendment No. CRC-MAJ-1-00 as submitted by the City of Crescent City and adopts the findings set forth below on the grounds that the land use plan as amended does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment.

B. CERTIFICATION OF LUP AMENDMENT NO. CRC-MAJ-1-00 WITH SUGGESTED MODIFICATIONS:

MOTION II: I move that the Commission certify Land Use Plan Amendment No. CRC-MAJ-00-1-00 for the City of Crescent City if it is modified as suggested in this staff report.

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of the motion will result in the certification of the land use plan amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners.

RESOLUTION II TO CERTIFY WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies Land Use Plan Amendment No. CRC-MAJ-1-00 for the City of Crescent City if modified as suggested and adopts the findings set forth below on the grounds that the Land Use Plan amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Land Use Plan Amendment if modified.

C. DENIAL OF IMPLEMENTATION PROGRAM AMENDMENT NO. CRC-MAJ-1-00, AS SUBMITTED:

MOTION III: I move that the Commission reject Implementation Program Amendment No. CRC-MAJ-1-00 for the City of Crescent City as submitted.

STAFF RECOMMENDATION OF REJECTION:

Staff recommends a **YES** vote. Passage of this motion will result in rejection of Implementation Program Amendment and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION III TO APPROVE CERTIFICATION OF THE IMPLEMENTATION PROGRAM AS SUBMITTED:

The Commission hereby denies certification of the Implementation Program submitted for the City of Crescent City and adopts the findings set forth below on grounds that the Implementation Program Amendment as submitted does not conform with and is inadequate to carry out the provisions of the Land Use Plan as certified. Certification of the Implementation Program Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Program as submitted.

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D. APPROVAL OF IMPLEMENTATION PROGRAM AMENDMENT NO. CRC-MAJ-1-00 WITH SUGGESTED MODIFICATIONS:

MOTION IV: I move that the Commission certify the Implementation Program Amendment No. CRC_MAJ-1-00 for the City of Crescent City if it is modified as suggested in this staff report.

STAFF RECOMMENDATION TO CERTIFY WITH SUGGESTED MODIFICATIONS:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Program with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION IV TO CERTIFY THE IMPLEMENTATION PROGRAM WITH SUGGESTED MODIFICATIONS:

The Commission hereby certifies the Implementation Program Amendment for the City of Crescent City if modified as suggested on the grounds that the Implementation Program Amendment with the suggested modifications conforms with and is adequate to carry out the provisions of the Land Use Plan as certified. Certification of the Implementation Program if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS

Key for Modifications to City Language:

The attached Exhibit No. 5 presents the complete land use plan and zoning code amendments as proposed by the City, showing in ~~strikeout~~ and underline how the proposal would alter the existing zoning code text. In this Section, the resulting revised text proposed by the City is shown in ~~strikeout~~ and underline, while additions suggested by the Commission are in ***bold italics*** and suggested deletions are in ~~double-strikethrough~~.

A. SUGGESTED MODIFICATIONS TO THE LAND USE PLAN:

SUGGESTED MODIFICATION NO.1: Policy 2 of Chapter 1 – “Public Access” of the City of Crescent City Land Use Plan shall be modified as follows:

2. ~~The~~ *For any new development at the former Seaside Hospital site (APN 118-020-28), including any recreational or visitor serving commercial development, the City, or the Commission on appeal, may accept Seaside Hospital's offer for dedication along the western edge, provided funding can be obtained prior to accepting any access shall require an offer of dedication, or the equivalent, for public access to the City or other public or private association acceptable to the Executive Director of the California Coastal Commission, if the approving authority finds that the proposed development would create significant adverse individual or cumulative impacts on the public's demand for and use of public access facilities, and the offer of dedication would alleviate the impacts and be reasonably related to the impacts in nature and extent. Any offer of dedication for lateral public access shall be located at ~~of~~ the westerly portion of the property extending to the mean high tide line (the westerly property limit). This would and shall allow for a lateral access trail to be constructed and maintained as public access. In addition, a Any offer of dedication for a vertical coastal access shall following the Second Street public right-of-way, West of Front Street, is also proposed to comply with this recommendation. The City *may accept and* shall not oppose any other agency, so approved by the Executive Director of the Coastal Commission, from accepting *any* offers of dedication.*

SUGGESTED MODIFICATION NO. 2: The description of the Harbor-City Bicycle Path contained in LUP Chapter 2 – “Recreation and Visitor Serving Facilities” at page 14 shall be modified as follows:

5. HARBOR-CITY BICYCLE PATH

The Bicycle Path ~~starts at enters the City from Point St. George to the north and follows~~ Pebble Beach Drive *in the City and to Taylor Street, then* crosses ~~over~~ Fifth Street to A Street, ~~then crosses Second Street to B Street, then South~~ to Battery Drive to Howe Drive to 101 to Sunset Circle to the Harbor. Where it crosses over Elk Creek there is a City built bridge. At Battery Drive the Bike Path enters Beachfront Park, following Howe Drive east to Highway 101. The Bike Path then follows Highway 101 South to Sunset Circle, to the southerly City Limits. The Bike Path continues through the Harbor area to South Beach. This path gives a complete view of the *The Path has ocean views at the coastal access points and provides access to recreational opportunity within Crescent City opportunities along the route. Relocation of the route of the Harbor-City Bicycle Path may only be allowed in conjunction with new development if relocation would be consistent with all relevant LCP policies, including but not limited to Recreation and Visitor Serving Facilities Policy No. 5.*

SUGGESTED MODIFICATION NO. 3: In addition, as referenced in the preceding Suggested Modification No. 2, a new Policy #5 shall be appended to LUP Chapter 2 – “Recreation and Visitor Serving Facilities,” reading as follows:

5. *No development at the former Seaside Hospital site (APN 118-020-28), including any recreational or visitor-serving commercial development, shall obstruct the routing of the Harbor-City Bicycle Path to cross over Fifth Street to A Street and continue on A Street to Battery Drive. New development may result in a detour of the route of the Harbor-City Bicycle Path from A Street between Second and Front Streets only if the City, or the Commission on appeal, finds that it is infeasible to route the bicycle path through the proposed development, consistent with all LCP standards and policies.*

SUGGESTED MODIFICATION NO. 4: The General Conditions discussion and Policies 1-4 of Chapter 5 – “Diking, Dredging, Filling and Shoreline Structures” of the City of Crescent City Land Use Plan shall be modified as follows:

General Conditions

The major concerns of the Coastal Act with regards to diking, dredging, and filling, is that it be *limited to eight specified uses, that it ~~accomplished in a manner that is least harmful to the environment~~ be the least environmentally damaging feasible alternative, and that all feasible mitigation measures are included. In addition, the Coastal Act requires that new development minimize risks to life and property in areas of high geologic hazard, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Furthermore, the Coastal Act requires the approval of revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes only when they are required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.*

The major areas of concern regarding dredging, diking, and filing ~~that are in Crescent City are those located in the Harbor and in the wetland areas of Elk Creek.~~ The major area in which shoreline protection and/or bluff-top setbacks ~~structures needs to be addressed~~ may be necessary is the area from Battery Point northward to Pebble Beach. Of this ~~total~~ area only Battery Point to just north of Preston Island are within the City limits. ~~The issue of shoreline structures needs to be addressed because of the steady erosion problem within the immediate area.~~ Protection Shoreline protective devices may be necessary when required to serve

coastal-dependent uses or to protect existing structures or public beaches in danger of erosion and when designed to eliminate or mitigate adverse impacts to local shoreline sand supply ~~where bluff erosion threatens public and private structures or other improvements.~~ However, new development shall not in any way require the construction of protective devices that could substantially alter natural landforms along bluffs and cliffs. A ~~professional~~ registered geologist (RG) or Certified Engineering Geologist (CEG), registered in the State of California must evaluate the magnitude of the problem on a site-specific basis. To evaluate the seriousness of a potential problem, ~~address this problem, one should~~ the professional must understand coastal processes and underlying such physical factors such as storms, tides, waves, and wind.

The high winds occurring during storms produce a surge by pushing the water toward the shore, thus causing local sea level it to rise temporarily above normal levels along the nearshore area along the coast ~~coastal and adjacent short area~~. These high winds also produce high waves which, on the top of above-normal water levels, produce destructive forces ~~against at the shoreline~~. The Crescent City bluff and beach in front of the Seaside Hospital are open to wave attack from the south-southwest. The maximum wind speed during some local storms has been as high as 45 MPH.

~~The primary problem of the City area is the vulnerability of the oceanfront to direct wave attack during storms when greater than normal tide levels due to storm surge or wave setup. During such periods, waves impinge on the shoreline and cause erosion on the bluff. The problem within the City area concerns the erosion by waves and currents of the beach areas along the reach of shoreline between the Seaside Hospital area and the Ninth Street in the Crescent City. The erosion, which has been progressive, is now critical along several areas of the beach. The County of Del Norte, Public Works Department, has attempted to halt erosion in critical areas by filling with small stones to attenuate the wave attack.~~

~~The major damage to the bluff is caused by waves and currents that approach the shore from the deep water wave direction from south-southwest to southwest. Local interests believe that wave action coupled with excessive drainage flow contributes to the undermining of the banks. Some of the material is moved offshore and a portion of that material is subsequently redeposited on the beach during the occurrence of the waves. A comparison on C.O.E. surveys taken in 1975 and in 1965 shows that the bluff retreat has varied from 0 to 4 feet per year. The average erosion rate is estimated to be about one foot per year between the Battery Point and the Second Street in the project area. Another significant problem involves the instability of the beach due to the erosion within the city area.~~

~~From South and east of Point St. George, the coastline is rocky and consists of precipitous bluffs and numerous offshore pinnacles with several pocket beaches.~~

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Mineralogy and shape characteristics of sediment of the pocket beaches between Point St. George and Battery Point indicate that beach sediments in these locations ~~are of local origin~~ originated between these two points. North of the Crescent City harbor, The littoral currents ~~would~~ transport sediments from north, to south from the mouth of the Smith River toward Point St. George where this pattern is disrupted and bedrock dominates the coastal land forms. As a result of the seaward projecting bedrock, sand being transported south by longshore drift is diverted offshore to deep water where it is lost. ~~coupled with a focusing of wave energy,~~ Consequently, only ~~small,~~ coarse-grained sand, small pocket beaches are found from Point St. George to Battery Point. Apparently only small quantities of sand move southward around the Point.

~~It also seems that due to the completion of the outer breakwater, most of the littoral transport of sand is trapped inside the harbor area. There has been no replenishment of sand to the beach area from Battery Point north. The lack of a beach area during severe storms raises the water level and exposes to wave action higher portions of the bluff area. Such storms also generate larger, steeper waves, thus the trend for this stretch of coastline has been one of gradual but constant erosion of the beach area and bluff along this reach.~~

~~In May, 1965, the beach profile was surveyed by the Army C.O.E. (Exhibit 11). At that time, the beach was composed of coarse sand and gravel which could resist the wave action against the beach but the cliff was still susceptible to the surge action and was eroded away gradually. The 1973 shoreline shows a narrow strip of sand along the beach. (Exhibit 12).~~

~~During 1973-74, the Crescent City Harbor District had dredged a small boat basin west of Citizens' Wharf. About 600,000 cubic yards of dredged material was disposed of by hydraulic dredge at the shoreline in front of the Seaside Hospital. Exhibit A-3 shows September 1973 shoreline condition during disposal of dredged material at the beach. A large pocket of sand beach had formed and the fine grain size of the dredged material was suspended and washed offshore by constant waves and currents. It should be noticed that the flow of water and silt, clay and sand was discharged by the outlet pipe of the hydraulic dredge in the center of the sand pocket. Exhibit P-3 shows April 1974 shoreline condition, after disposal of dredged material at the beach. Exhibit P-1 shows February 1976 shoreline condition with abundance of driftwood along the shore. Exhibit 11 shows January 1977 shoreline condition with only a narrow strip of shoreline remaining.~~

~~A computation between beach profiles from 1965 and 1975 was made by the Army COE. The computation assumed that a stable sorting by the Army C.O.E. process had been reached at that time (1975).~~

~~In September 1975, a new beach profile was taken near Seaside Hospital. This study shows a new loss of 30,000 cubic yards of sand since the survey of 1975. In September of 1975, approximately 75,000 cubic yards of sand (originally 600,000 cy placed in 1973-74) was left on the beach. Using an annual loss of 15,000 cy/year under normal conditions, almost all of the sand will be displaced by 1980. The bluff along the west side of Seaside Hospital will continue to erode and that the buildings will again be in danger is a distinct possibility.~~

~~The Army C.O.E. study figures show that an annual yearly replacement rate of sand would have to be 90,000 cy/year to maintain a stabilized beach front within this area. The 90,000 cy/year allows for the settling out of silts, clays, and fine sands and the normal stabilization of the beach area. The ultimate recommendation of the Army C.O.E. study was a rubble wall extending from Battery Point northward to Pebble Beach, a distance of approximately 1.4 miles. However, local concern is for the replacement of the sand.~~

~~It is the City's feeling that designating this area as a disposal site will allow the disposal of approximately 40,000 cy/year onto the beach area thus reducing, to a larger degree, the amount of erosion that takes place within this area.~~

Although various documents provide estimates of the erosion rates along this stretch of coast, the actual data base is sparse and open to various interpretations. In the absence of conclusive information on which to accurately base long-range bluff and beach retreat rates, prudent measures are necessary in order to ensure that an adequate setback is provided for all shoreline development. Geotechnical assessments for projects along the City's oceanfront shall specifically take into account that long range bluff and beach retreat rates are based on inconclusive and sparse data. As warranted, the reports shall also identify other measures to ensure the long-term stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or in any way require the construction of protective devices.

The Coastal Act, Section 30233(b) allows for the disposal of beach material into appropriate areas as long as wildlife values are not significantly disrupted. Past beach nourishment experiments by the U.S. Army Corps of Engineers have confirmed that the locally available dredge spoils (from the harbor) are too fine-grained to remain on the high-energy beaches along the Crescent City bluff, and that it is prohibitively expensive to haul coarse-grained sand in from offsite sources. ~~It is the City's opinion~~ An appropriate evaluation may substantiate that placing the placement of approximately 40,000 cy sand/year uncontaminated, compatible grain-sized sand or other dredge spoil materials on South Beach and/or the sand beaches on Pebble Beach north of Preston Island will not have any significant adverse impacts on wildlife values coastal resources. Placing sand on the rocky beaches ~~north of~~ between Battery Point and Preston Island is

inappropriate and will cause adverse impacts to tide pool organisms and other marine species.

Section 30233 of the Coastal Act requires that feasible mitigation measures be provided to minimize the significant adverse environmental effects of any proposed fill project. The general Coastal Commission policy on the filling of wetlands has been *to require that replacement wetlands be provided at a ~~one to four~~ four to one ratio; that is, for every one parcel filled, it must be replaced by four of equal biological productivity sufficient to offset both the direct loss of the existing wetlands being filled and the temporary decrease in biological productivity associated with new replacement wetlands being established.* With regard to the wetland areas in Elk Creek and the size of the City, it would be impossible to replace wetlands *at a ratio sufficient to provide equal or greater biological productivity, either onsite or offsite ~~on a four to one ratio~~.* The only alternative then, appears to be that no filling of the area be done. The Coastal Act specifically states that no diking, dredging or filling be done that will not enhance the functional capacity of the wetlands, and it further states that any alteration shall be limited to ~~very minor~~ *specified uses, such as* incidental public facilities *service purposes* or restorative measures.

The problem then becomes sand accretion in the Harbor. The accretion occurs in a west-to-east pattern, with the greatest volumes of sand accumulating at the western edge of the Harbor, near Dutton's Dock. The Harbor District has a continuing dredging operation in the Harbor to deal with this problem. However, it continues to be one of the major mitigating factors in the Harbor development. This problem has been identified in many studies over the years ~~and is currently being studied, yet again, by the Army Corps of Engineers. (Exhibit 11&13)~~

The continued dredging of the Harbor is the only possible way to help mitigate the sand accretion problem. Currently, the sand is being disposed of on Harbor lands, but other sites are available for disposal and will be needed if the expansion of the Harbor is to proceed. The amount of sand that will be dredged and the depths that need to be maintained will require additional disposal sites other than those in the Harbor. There are two sites within Crescent City where sand disposal could be accomplished. The first area is City-owned property near Elk Creek, including the water area and the area in front of Shoreline Campgrounds (although that area is directly in front of the west-to-east pattern of movement). ~~and the bluffs in front of Seaside Hospital. The site in front of Seaside Hospital would stop the erosion of the bluffs.~~

The other alternatives for disposal would be to truck the dredged material to up-land sites, or to store and stock-pile the dredged material on City property and sell it to contractors for fill, or to dispose of it at an ocean disposal site.

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RECOMMENDATIONS:

1. The City shall limit the filling and dredging of coastal waters to those uses that are consistent with Section 30233 of the California Coastal Act ~~as described on page 31~~, and which directly enhance harbor dependent uses such as recreational or industrial programs.
2. The City shall restrict the diking, dredging and filling of the wetlands in Elk Creek and McNamara annexation within the Coastal Zone to those allowable uses identified within Section 30233 of the California Coastal Act ~~as described on Page 31~~.
3. *The City shall require that new development minimize risks to life and property in areas of high geologic hazard, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
4. *The City shall approve revetments, breakwaters, groins, harbor channels, seawall, cliff retaining wall, and other such construction that alters natural shoreline processes when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.*
- ~~5.~~ 5. The City of Crescent City shall, in conjunction with the Harbor District, County of Del Norte, Del Norte Hospital District, Coastal Commission staff, and the Dept. of Fish & Game, develop a sand management program for the any dispersal of sand on the beach area west of Seaside Hospital on existing fine-grained sand beaches only. The plan shall include, but not be limited to, amount of sand to be placed yearly, months of the year when placement is possible, hours of operation and the need for annual sand budget. *Any such program shall require a LCP amendment approved by the California Coastal Commission.*

~~The City has established a priority for placement of such dredge sand to be west of Seaside Hospital in order to arrest the erosion of the bluffs within this location as long as such placement is in conformance with the finalized sand management program.~~
- ~~6.~~ 6. The City's priority for use of any dredged sands is to be for the Battery Point Recreational Area development. The placement of sand in this area shall conform with ~~the duly adopted~~ *any* sand management ~~plan~~ *program*

approved by the California Coastal Commission and the following restrictions:

1. The following uses for said sand are prohibited:
 - (a) The development of a parking and picnic area.
 - (b) The filling between Battery Point and the mainland.

If the recreational boating marine takes place, the placement of sand for a jetty shall be the least amount needed to provide for a single-wide roadway on top of the jetty.

SUGGESTED MODIFICATION NO. 5: Policy 2 of Chapter 7 – “Public Works” of the City of Crescent City Land Use Plan shall be modified as follows:

- ~~2. The City shall reserve for the expansion of Seaside Hospital, and related medical facilities, the specific area between Battery Street on the south, to Second Street on the North to “C” Street on the East to the Pacific Ocean to the West.~~
2. The City shall require that best management practices *(BMPs)* for controlling stormwater runoff and maintaining water quality be incorporated into development design and operation. *All post-construction structural BMPs (or suites of BMPs) for new development within Commercial Waterfront zoning districts, including but not limited to, recreational or visitor-serving commercial development, shall be designed to treat, infiltrate or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs.*

SUGGESTED MODIFICATION NO. 6: A new Policy #4 shall be appended to LUP Chapter 3 – *Coastal Visual Resources and Special Communities*, reading as follows:

4. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in designated highly scenic areas shall be subordinate to the character of its setting. Any future development at the former Seaside Hospital site (APN 118-020-28), including any recreational or visitor-serving commercial development, shall provide for a view corridor oriented from the vantage point of the*

intersection of Front and First Streets and directed toward the offshore rocky areas northwest of the site.

SUGGESTED MODIFICATION NO. 7: The description of the “Commercial” land use designation as found on page 60 of the currently certified LUP shall be modified to read as follows:

Commercial: Allows the limited use of commercial activities subject to the following recommendations:

1. No heavy commercial uses shall be allowed in the coastal zone;
2. Highway oriented services should be located along Highway 101;
3. The principal commercial uses shall be *recreational and visitor-serving facilities*, co-generation energy facilities, and waste water production.

B. SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PROGRAM:

SUGGESTED MODIFICATION NO. 8: Section 17.73.020A of the Coastal Zone Zoning Regulations shall be modified as follows:

A. Height. The maximum building height shall be thirty-five feet, ~~unless a use permit is approved by the planning commission.~~

PART TWO: INTRODUCTION

I. AREA DESCRIPTION/HISTORY

Crescent City is the northernmost incorporated city on the California Coast. The City, which covers approximately 1.4 square miles, or 900 acres, has an estimated population of 8,200. Crescent City is bounded by broad beaches and coastal bluffs, the Crescent City Harbor, scattered forests, and low density, rural-residential development. Crescent City is the most urbanized part of Del Norte County and is the county’s only municipality.

The Crescent City planning area encompasses the core commercial district, highway services strip, and adjoining residential areas within its municipal boundaries, and extends to the west, east and southeast to include the uplifted marine terraces of the Point Saint George area, the lower Elk Creek watershed, and exurban areas within the adjoining Bertsch Community Services District. Although the City’s planning area spans more than 10 square miles, the portion of the City within the coastal zone is relatively small, consisting of a narrow, approximately one-block-wide band running along the its western ocean shoreline and harbor frontage.

II. LCP AMENDMENT: BACKGROUND

A. Crescent City Land Use Plan / Implementation Program

The Crescent City Land Use Plan (Coastal Element of the General Plan), adopted in 1983, provides general goals and policies governing development throughout those portions of the City within the coastal zone. The plan document is organized into seven chapters addressing: (1) public access, (2) recreation and visitor-serving facilities, (3) coastal visual resources and special communities, (4) environmentally sensitive habitat areas, water, and marine resources, (5) diking, dredging, and filling, and shoreline structures, (6) industrial development and energy facilities, and (7) public works topics. Attached appendices detail further planning information in the form of mapping, visitor-serving market analysis, species found in the various designated environmentally sensitive areas, an inventory of industrial development, and public infrastructure schematics.

The Crescent City LCP Implementation Program, entitled “Coastal Zone Zoning Regulations,” comprises Chapters 17.60 through 17.86 of the City Municipal Code. The zoning regulations provide definitions for the numerous land use and development terminology, establishes prescriptive use and development standards applied City-wide, in specified areas and in the various zoning districts, identifies the processes by which proposed development is reviewed and permitted, and sets procedures for appeals, variances and exceptions, zoning reclassifications and general plan amendments.

B. Impetus for LCP Amendments

On March 9, 2000, the City of Crescent City Planning Commission approved with conditions a Coastal Development Permit No. CDP-2000-61 for the 50-room first phase of a 100-room hotel/restaurant complex known as the “Redwood Oceanfront Resort” at the former site of the Seaside Hospital at Front and A Streets. The City’s action to approve the project in phases was based on the recognition that only the portion of the site north of Front Street is currently zoned to allow for hotel and restaurant development as a conditionally permitted use. In doing so, the City acknowledged that before approval of the project’s second phase may proceed (50 additional hotel rooms and a 4,500 square-foot restaurant), the “Medical-Related” land use and “Residential-Professional” zoning designations over the southern half of the property would need to be amended. In a related action, on May 1, 2000, the Crescent City Council authorized the vacation of the public street right-of-way for the segment of “A” Street between Front and Second Streets abutting the proposed hotel site. The street abandonment was authorized to allow the area to be developed as part of the resort’s parking lot. A coastal development permit is required to authorize the change in use from a public street to part of the hotel complex, and that authorization had been included in the preceding permit issued by the City’s Planning Commission on March 9, 2000.

On July 13, 2000, the City’s approval of the hotel project permit was appealed to the Commission. On September 13, 2000, the Commission determined that a substantial issue had

been raised regarding the consistency of the project as approved by the City with the certified LCP and the access policies of the Coastal Act. Having made this determination, the City's approval of the project was stayed and the project application bound over for consideration by the Commission at a hearing *de novo*.

The appeal filed on the project raised contentions highlighting the proposed development's nonconformance with public access and recreation, geologic stability, and visual resources policies. However, a central underpinning of the appeal was the fact that the City's action to approve the permit in phases had not fully resolved all of the issues of the project's inconsistency with the LCP. In addition to the medical-related and residential/professional office land use and zoning designations of the property that would preclude development of the second phase, the City's LUP contains several other policies and provisions relating directly to development on the former hospital property. These policies reserve the whole of the site for medical-related development (not just the portion to be developed with the project's second phase), specify the acceptance of offers of dedication for public access, identify a public bicycle path crossing through the project site, and call for development of a dredging spoils disposal sand management plan for the project site. In addition, the LCP contains dated and inaccurate descriptions of conditions at the project site regarding coastal erosion hazards exposure that could influence the design and siting of the resort's improvements.

In light of certain project inconsistencies with the LCP, the City initiated the subject LCP amendment to amend the LUP provisions with which the proposed hotel resort project is in conflict. The City also asked that the Commission's *de novo* hearing on the appeal be scheduled to occur after the LCP Amendment is acted upon by the Commission. On November 15, 2000, the City submitted the LCP application. On February 9, 2001, upon the submission of requested information regarding visual resource protection, Commission staff determined the application to be complete for filing and scheduled the amendment for a hearing before the Commission.

PART THREE: AMENDMENT TO LAND USE PLAN

I. ANALYSIS CRITERIA

To approve the amendments to the Land Use Plan (LUP), the Commission must find the LUP, as amended, will remain consistent with the policies of Chapter 3 of the Coastal Act.

As submitted, the proposed LUP amendment is not fully consistent with the policies of the Coastal Act, but if modified as suggested, will be consistent.

II. FINDINGS FOR LCP AMENDMENT

The Commission finds and declares as following for Amendment No. CRC-MAJ-1-00:

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A. Findings for Denial of Amendment No. CRC-MAJ-1-00 as Submitted, and Approval if Modified.

1. Amendment Description:

The subject property for which the LCP amendments are proposed is located at the western terminus of Front Street at its intersection with “A” Street on the former site of the Seaside Hospital (APNs 118-020-28, 118-030-07, 118-040-33, & -34). As discussed above, these amendments were initiated by the City to help resolve issues regarding the nonconformance of a proposed hotel and restaurant development currently under appeal to the Commission (File No. A-1-CRC-00-033, Del Norte Healthcare District).

The proposed LUP amendment contains six separate text changes, a reclassification of the land use designation for the subject property, and changes to the Land Use and Access and Recreation Maps to reflect the changes to policy language and land use designations.

The LUP Coastal Land Use Map would be amended to change the designation for the 4.45-acre former Seaside Hospital site (portion of APN 118-020-28) and the portion of the vacated segment of “A” Street between Front and Second Streets within the coastal zone from the current Medical Related (MR) designation to a Commercial (C) designation.

The seven major text changes to the existing LCP proposed by this LUP Amendment are as follows:

- a. Revise LUP Chapter 1 – Public Access Policy #2. The current policy gives general direction to the City regarding conditional acceptance of an offer of dedication along the western edge of the former Seaside Hospital site. The amendment would modify the policy to address acceptance of a specific vertical accessway at the western end of Second Street and a lateral accessway along the western edge of the former hospital site .
- b. Revise LUP Chapter 2 - Recreation and Visitor Serving Facilities description of the Harbor-City Bicycle Path and amend the accompanying Access and Recreation map. These amendments would re-align that portion of the designated bikeway between Second and Front Streets from “A” Street to “B” Street
- c. Revise LUP Chapter 5 Diking, Dredging, Filling and Shoreline Structures “General Conditions” description and Policies #3 and #4. The amendment would remove dated references to hazardous beach and coastal erosion conditions at the Seaside Hospital Site that no longer exist.
- d. Revise LUP Chapter 6 - Industrial Development and Energy Facilities to delete enumerated reference #3 of the “General Plan” background discussion. (reiterated in background discussion). The text references *Economic Development* Policy P-14 of the City’s General Plan which encourages the concentration of medical services adjacent to Seaside Hospital and urges construction of a medical clinic in that vicinity.

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- e. Revise LUP Chapter 7 - Public Works Policy # 2 to replace the current policy which directs the City to reserve, for the expansion of Seaside Hospital, and related medical facilities, the specific area between Battery Street on the south to Second Street on the north to “C” Street on the east to the Pacific Ocean on the west. The policy to reserve the site for medical-related development would be discontinued.
- f. Revise LUP Chapter 7 – Public Works Policy Recommendations. The amendment would add a provision as Policy #2 requiring that best management practices for controlling stormwater runoff and maintaining water quality be incorporated into the design and operation of new development.
- g. Amend the LUP page 60 - Coastal Land Use Map Designations for the Commercial designation. The amendment would include “recreational and visitor serving commercial uses” within the Commercial designation’s list of allowed limited uses.

B. LUP AMENDMENT CONSISTENCY ANALYSIS

1. Priority Coastal Development.

The Coastal Act establishes certain priority uses which must be protected in favor of allowing other competing uses without such priority status. Generally, these priority land uses include uses that by their nature must be located on the coast to function, such as ports, and commercial fishing facilities, uses that encourage the public’s use of the coast, such as various kinds of visitor-serving facilities, and uses that protect existing coastal resources such as wetlands and other sensitive habitat, and coastal agriculture. The Coastal Act requires that adequate land be reserved for such uses in the local coastal programs adopted for each coastal city and county. For example, Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

As discussed previously, the subject oceanfront site for the proposed LUP amendments is currently vacant, having been the former site of a regional hospital facility, a non-priority coastal use. The proposed LUP amendments would reclassify the current “Medical-Related” land use designation to a “Commercial” designation, and revise other text policies and descriptions, which currently recognize the site solely for medical-related development, so that visitor-serving facilities development could be pursued. Due to both its setting as a waterfront site with ocean views and an adjoining beach, and its location at a major crossroads in a developed area with necessary community services, this site is particularly well-suited for visitor-serving uses. Moreover, the site is not appropriate for other kinds of priority uses such as for port and harbor development. Accordingly, by amending the LUP as proposed, the site would become identified

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as an area slated for priority coastal development where currently no such designation exists. Thus, the Commission finds that this LCP Amendment is consistent with Section 30220 and other policies contained in Chapter 3 of the Coastal Act which prioritize certain coastal related uses in that the amendment will reserve a site suitable for visitor-serving commercial recreational facilities for such use.

As submitted, the amendment does not specify the exact language to be added to the LUP to recognize visitor serving commercial uses as an allowable use in areas designated as Commercial. To clarify how the LUP would be amended, the Commission adds **Suggested Modification No. 7.**

SUGGESTED MODIFICATION NO. 7: The description of the “Commercial” land use designation as found on page 60 of the currently certified LUP shall be modified to read as follows:

Commercial: Allows the limited use of commercial activities subject to the following recommendations:

1. No heavy commercial uses shall be allowed in the coastal zone;
2. Highway oriented services should be located along Highway 101; *and*
3. The principal commercial uses shall be *recreational and visitor-serving facilities*, co-generation energy facilities, and waste water production.

As modified, the provisions of the LUP amendment concerning including visitor serving commercial facilities as an allowable use in Commercial land use designation is consistent with Section 30222 of the Coastal Act.

2. Locating and Planning New Development.

Section 30250(a) of the Coastal Act, in part, states:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

The subject site of the proposed LCP amendments is located within a mixed-use area of the City within its urban services boundary with adequate water, wastewater, emergency, public safety, and other public services to serve the range of allowable uses. The site abuts Front and First Streets, identified under the City’s circulation system as arterial and collector routes, respectively. Therefore, the proposed amendment is consistent with Coastal Act Section 30250 to the extent that the uses and development that would be allowed by the proposed LUP designation would be located in an urbanized area with adequate services. Thus, the

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Commission finds that the proposed LCP amendment as submitted is consistent with Section 30250 of the Coastal Act.

3. Visual Resources.

Section 30251 of the Coastal Act states, in applicable part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Although quoted within the preface discussion of LUP Chapter 3 – *Coastal Visual Resources and Special Communities*, the current certified LUP does not contain any policies specifically incorporating the requirements of Coastal Act Section 30251 as relate to the protection of visual resources. The main areas of concern regarding the protection of visual resources in the Crescent City area as identified within the currently certified LUP are: (1) prohibiting the erection of signage in areas zoned Open Space; (2) protecting view corridors along the Highway 101 southern entrance into the City; and (3) preserving the visual character of the town as expressed in its historically or architecturally significant structures. Despite its highly scenic setting, no other areas within the City are identified as possessing visual resources in need of special recognition or protective policies.

The subject site of the proposed amendment is located on an oceanfront site along the City's southwestern shoreline. Though views directly to the ocean from Front Street and portions of "A" Street are limited by the site's up-sloping topography towards the bluff edge, relatively unobstructed oblique scenic views are afforded of the rocky northwestern shoreline of the City and offshore rocks to the northwest [see Exhibit No. 6]. The subject site could be developed under the proposed amendment in a manner that could adversely affect the views to and along the coast at the site. For example, development of the site with a continuous structure from the north to south ends of the property would block the view of the shoreline and offshore rocks to the northwest, inconsistent with the provision of Section 30251 of the Coastal Act that permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas. Without a visual policy in the LUP that implements the policy of Section 30251, such development could be permitted as consistent with the LCP. In addition, the amendment would relocate a bicycle path whose route is specifically cited for the ocean views it provides, reducing viewing opportunities. Therefore, the amendment as submitted is inconsistent with Section 30251 of the Coastal Act and must be denied. However, the Commission finds that if modified to implement the provisions of Section 30251 and protect the specific views afforded across the site, the LUP amendment could be found consistent with the Coastal Act. Therefore,

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the Commission attaches **Suggested Modification No. 6**. The modification would generally restate the requirements of Coastal Act Section 30251 and require that retention of a northwesterly view corridor be provided in the approval of any future development at the subject site.

SUGGESTED MODIFICATION NO. 6: A new Policy #6 shall be appended to LUP Chapter 3 – *Coastal Visual Resources and Special Communities*, reading as follows:

6. *Any future development at the former Seaside Hospital site (APN 118-020-28), including any recreational or visitor-serving commercial development, shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas and shall provide for a view corridor oriented from the vantage point of the intersection of Front and First Streets and directed toward the offshore rocky areas northwest of the site.*

The LUP amendment as submitted is inconsistent with the visual resource protection policies of the Coastal Act and must be denied. As modified, the proposed LUP Amendment is consistent with Section 30251, as visual resources will be protected at the subject property.

4. Public Access and Recreation:

Coastal Act Sections 30210, 30211, and 30212 require the provision of maximum public access opportunities, with limited exceptions. Section 30210 states that maximum access and recreational opportunities shall be provided consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse. Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, adequate access exists nearby, or agriculture would be adversely affected.

As the site is a shoreline parcel adjacent to a beach, public access would be a consideration in the review of any new development proposed for the site. The proposed amendment would change a provision of the existing LUP relating to acceptance of an offer to dedicate public access at the City's discretion in this location and to state that the intent of an offer of dedication at this location would be for development of a lateral access trail. In addition, the proposed amendment would state that a vertical accessway is also contemplated, following the Second Street right-of-way from the intersection of Second and Front Streets to the beach. The amendment also proposes to change the description of the route of the Harbor-City Bicycle Path to accommodate a proposed vacation of street right-of-way that would allow the public street to instead be used as part of the hotel complex.

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In its current form, the proposed amended policy on acceptance of the offer of dedication is advisory only, provides only for the acceptance of offers of dedication, and does not address requiring offers of dedications for new development where a significant adverse impact on existing public access facilities or a demand for new public access facilities would result. Although a portion of the proposed policy is consistent with Section 30210 of the Coastal Act by providing a mechanism for acceptance of offers of dedication by the City or other agencies, the policy does not explain the circumstances in which new development must provide additional access. Therefore, as submitted, the LUP Amendment is not fully consistent with the Coastal Act policies concerning coastal access and recreation. **Suggested Modification No. 1** is necessary to ensure consistency with the Coastal Act public access provisions.

SUGGESTED MODIFICATION NO. 1: LUP Chapter 1 *Public Access* Policy No. 2 shall be modified as follows:

2. ~~The~~ *For any new development at the former Seaside Hospital site (APN 118-020-28), including any recreational or visitor serving commercial development, the City, or the Commission on appeal, may accept Seaside Hospital's offer for dedication along the western edge, provided funding can be obtained prior to accepting any access* ***shall require an offer of dedication, or the equivalent, for public access to the City or other public or private association acceptable to the Executive Director of the California Coastal Commission, if the approving authority finds that the proposed development would create significant adverse individual or cumulative impacts on the public's demand for and use of public access facilities, and the offer of dedication would alleviate the impacts and be reasonably related to the impacts in nature and extent. Any offer of dedication for lateral public access shall be located at*** ~~of the westerly portion of the property extending to the mean high tide line (the westerly property limit). This would and shall allow for a lateral access trail to be constructed and maintained as public access. In addition, a~~ ***Any offer of dedication for a vertical coastal access shall follow the Second Street public right-of-way, West of Front Street, is also proposed to comply with this recommendation. The City may accept and shall not oppose any other agency, so approved by the Executive Director of the Coastal Commission, from accepting any offers of dedication.***

With these modifications, the LUP, as amended, would be consistent with the Coastal Act public access policies as it would: (1) require that an offer of dedication be made for new development having a significant adverse impact on existing access facilities, or increasing the demand for additional facilities where the offer of dedication would alleviate the impacts and be reasonably related to the impacts in nature and extent; and (2) facilitate acceptance of any offer of dedication to ensure that the impact or increased demand is offset.

As noted, the amendment also proposes to relocate the Harbor-City Bicycle Path through the subject property. Though a continuous route would be maintained, bicyclists would be routed further away from the shoreline along a route that would not afford the cyclists the same views

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of the ocean and shoreline that they would enjoy in the current bicycle path location. Therefore, moving the bicycle path as proposed would significantly adversely affect public access by diminishing the recreational value of this public access facility. Although the City makes the point that the Redwood Oceanfront Resort project will offer vertical and lateral accessways from Second Street and along the western blufftop, respectively, to purportedly offset, enhance and improve both coastal access and views affected by the project, there is no certainty that that particular development will be completed at the site. Other development that might be proposed at the site in the future may be of a location and design such that moving the bicycle path might not even be useful for the development. Moreover, the Commission has not yet acted *de novo* on the appeal of the Redwood Oceanfront Resort project and it has not been determined that a bicycle path could not be accommodated through the development in its current location or in another location near the shoreline. Therefore, as submitted, the LUP Amendment is not fully consistent with the Coastal Act policies concerning coastal access and recreation. **Suggested Modifications Nos. 2 and 3** are necessary to ensure consistency with the Coastal Act public access and recreation provisions.

SUGGESTED MODIFICATION NO. 2: The description of the Harbor-City Bicycle Path contained in LUP Chapter 2 – “Recreation and Visitor Serving Facilities” at page 14 shall be modified as follows:

5. HARBOR-CITY BICYCLE PATH

The Bicycle Path *starts at* ~~enters the City from Point St. George to the north and follows~~ Pebble Beach Drive *in the City and to Taylor Street, then* crosses *over* Fifth Street to A Street, ~~then crosses Second Street to B Street, then South~~ to Battery Drive to Howe Drive to 101 to Sunset Circle to the Harbor. ~~Where it crosses over Elk Creek there is a City built bridge. At Battery Drive the Bike Path enters Beachfront Park, following Howe Drive east to Highway 101. The Bike Path then follows Highway 101 South to Sunset Circle, to the southerly City Limits. The Bike Path continues through the Harbor area to South Beach. This path gives a complete view of the~~ The Path has ocean views at the coastal access points and provides access to recreational opportunity within Crescent City opportunities along the route. ***Relocation of the route of the Harbor-City Bicycle Path may only be allowed in conjunction with new development if relocation would be consistent with all relevant LCP policies, including but not limited to Recreation and Visitor Serving Facilities Policy No. 5.***

SUGGESTED MODIFICATION NO. 3: In addition, as referenced in the preceding Suggested Modification No. 2, a new LUP Chapter 2 – “Recreation and Visitor Serving Facilities” Policy No. 5 shall be appended, reading as follows:

5. ***No development at the former Seaside Hospital site (APN 118-020-28), including any recreational or visitor-serving commercial development, shall obstruct the routing of the Harbor-City Bicycle Path to cross over Fifth Street to A Street and continue on A Street to Battery Drive. New development may result in a detour of the route of the Harbor-City Bicycle Path from A Street between Second and Front Streets only if the***

City, or the Commission on appeal, finds that it is infeasible to route the bicycle path through the proposed development, consistent with all LCP standards and policies.

With the suggested modifications, the LUP, as amended, would be consistent with the Coastal Act policies to protect public access along the coast by requiring that the design of any new development at the site must first not obstruct the accessway and that approval for relocation of the accessway can only be granted when accommodating the accessway existing route within the site plans is not feasible.

The LUP amendment as submitted is inconsistent with the public access policies of the Coastal Act and must be denied. As modified, the proposed LUP Amendment is consistent with the public access policies of the Coastal Act as new development would be required to provide maximum public access if such access is reasonably related to the impact the development would have on the public's demand for and use of public access facilities and would in fact alleviate that impact, and existing public access facilities would be protected.

5. Geologic Hazards, Diking, Dredging, and Filling of Coastal Waters / Shoreline Protective Structures.

Coastal Act Section 30253 states in part that:

New development shall:

- (1) *Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (2) *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

Coastal Act Section 30235 states:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.

Coastal Act Policy 30233(a) states, in applicable part:

The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: ... [8 specified uses follow]

As cited above, the Coastal Act contains policies that require new development minimize risks to persons and property, and assure the stability and integrity of the site and its surrounds such that the need for protective devices or major alterations of landforms are precluded.

The City of Crescent City planning area includes a number of blufftop lots such as the site of the former Seaside Hospital along its western ocean shoreline. The current certified LUP does not contain any specific policies concerning geologic hazards such as coastal erosion, landsliding, etc., except in the context of identifying select geologic problem areas within the City where installation of shoreline protective structures is indicated. The Seaside Hospital site is one of the identified areas. However, recent geo-technical analysis (Busch Geotechnical Consultants, October 30, 2000) has indicated that the erosion rates mentioned in the LUP are not accurate.

The proposed amendments to the LUP Chapter 5 “General Conditions” section would modify the discussion in the text of the LUP of the City’s geologic and coastal erosion setting. The majority of the amended language, especially the deletions, is intended to replace outdated information, and to correct misquoted technical reports. However, the proposed LUP amendment contains language that, while continuing to cite Coastal Act Section 30235, appears to minimize the requirements of Section 30253 of the Coastal Act that new development shall neither create nor significantly contribute to geologic instability in a way that would require the construction of protective devices, and inaccurately reflects the instances where shoreline protective structures must be permitted consistent with Section 30235. As submitted, the LUP as amended would not be consistent with the Coastal Act policies concerning geologic hazards, as policy language similar to Section 30253 is omitted and the requirement to install shoreline protective devices for purposes other than those allowed under Section 30235 of the Coastal Act is implied.

Furthermore, other than quoting Coastal Act Section 30233 within a preface discussion of the setting and conditions and requiring in the recommendation sections that only fill for uses consistent with Section 30233 be allowed, the LUP as amended would not provide any policy stating the requirements of Section 30233 with regard to permissible diking, dredging, and filling of coastal waters for shoreline protective works or other types of development. The Commission is concerned that, without at least a reference to this language, development might be approved within the City LUP area that would not be consistent with Section 30233 of the Coastal Act.

The Commission thus attaches **Suggested Modification No. 4** to ensure that new projects in the City LUP area will: (1) minimize risks to life and property in areas of high geologic hazard; (2) not create a geologic hazard or require construction of a protective device; (3) not result in

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shoreline protective structures being required for a wider assortment of applications than for those identified in the Coastal Act; and (4) not result in development involving the diking, filling, or dredging of coastal waters for uses not specifically recognized in the Coastal Act, where environmentally less damaging feasible alternatives exist, or without inclusion of all feasible mitigation measures.

If modified as suggested below, the proposed amendment could be found consistent with Coastal Act policies concerning geologic hazards, provisions for shoreline protective structures, and criteria for the diking, dredging, and filling of coastal waters.

SUGGESTED MODIFICATION NO. 4: The General Conditions discussion and Policies 1-4 of Chapter 5 – “Diking, Dredging, Filling and Shoreline Structures” of the City of Crescent City Land Use Plan shall be modified as follows:

General Conditions

The major concerns of the Coastal Act with regards to diking, dredging, and filling, is that it be *limited to eight specified uses, that it ~~accomplished in a manner that is least harmful to the environment~~ be the least environmentally damaging feasible alternative, and that all feasible mitigation measures are included. In addition, the Coastal Act requires that new development minimize risks to life and property in areas of high geologic hazard, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. Furthermore, the Coastal Act requires the approval of revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes only when they are required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.*

The major areas of concern regarding dredging, diking, and filing ~~that are in~~ Crescent City are ~~those located~~ in the Harbor and ~~in~~ the wetland areas of Elk Creek. The major area in which shoreline protection and/or bluff-top setbacks ~~structures needs to be addressed~~ may be necessary is the area from Battery Point northward to Pebble Beach. Of this ~~total~~ area only Battery Point to just north of Preston Island are within the City limits. ~~The issue of shoreline structures needs to be addressed because of the steady erosion problem within the immediate area.~~ Protection *Shoreline protective devices may be necessary when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger of erosion and when designed to eliminate or mitigate adverse impacts to local shoreline sand supply* ~~where bluff erosion threatens public and private structures or other improvements.~~ However, new development shall not in any

way require the construction of protective devices that could substantially alter natural landforms along bluffs and cliffs. ~~A professional registered geologist (RG) or Certified Engineering Geologist (CEG), registered in the State of California~~ must evaluate the magnitude of the problem on a site-specific basis. To evaluate the seriousness of a potential problem, ~~address this problem, one should~~ the professional must understand coastal processes and underlying such physical factors such as storms, tides, waves, and wind.

The high winds occurring during storms produce a surge by pushing the water toward the shore, ~~thus causing local sea level it to rise temporarily~~ above normal levels along the nearshore area along the coast ~~coastal and adjacent short area~~. These high winds also produce high waves which, on the top of above-normal water levels, produce destructive forces ~~against at the shoreline~~. The Crescent City bluff and beach in front of the Seaside Hospital are open to wave attack from the south-southwest. ~~The maximum wind speed during some local storms has been as high as 45 MPH.~~

~~The primary problem of the City area is the vulnerability of the oceanfront to direct wave attack during storms when greater than normal tide levels due to storm surge or wave setup. During such periods, waves impinge on the shoreline and cause erosion on the bluff. The problem within the City area concerns the erosion by waves and currents of the beach areas along the reach of shoreline between the Seaside Hospital area and the Ninth Street in the Crescent City. The erosion, which has been progressive, is now critical along several areas of the beach. The County of Del Norte, Public Works Department, has attempted to halt erosion in critical areas by filling with small stones to attenuate the wave attack.~~

~~The major damage to the bluff is caused by waves and currents that approach the shore from the deep water wave direction from south-southwest to southwest. Local interests believe that wave action coupled with excessive drainage flow contributes to the undermining of the banks. Some of the material is moved offshore and a portion of that material is subsequently redeposited on the beach during the occurrence of the waves. A comparison on C.O.E. surveys taken in 1975 and in 1965 shows that the bluff retreat has varied from 0 to 4 feet per year. The average erosion rate is estimated to be about one foot per year between the Battery Point and the Second Street in the project area. Another significant problem involves the instability of the beach due to the erosion within the city area.~~

~~From South and east of Point St. George, the coastline is rocky and consists of precipitous bluffs and numerous offshore pinnacles with several pocket beaches. Mineralogy and shape characteristics of sediment of the pocket beaches between Point St. George and Battery Point indicate that beach sediments in these locations are of local origin~~ originated between these two points. North of the Crescent City harbor, ~~The littoral currents would~~ transport sediments from north;

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to south from the mouth of the Smith River toward Point St. George where this pattern is disrupted and bedrock dominates the coastal land forms. As a result of the seaward projecting bedrock, sand being transported south by longshore drift is diverted offshore to deep water where it is lost. ~~coupled with a focusing of wave energy, Consequently, only small, coarse-grained sand, small~~ pocket beaches are found from Point St. George to Battery Point. Apparently only small quantities of sand move southward around the Point.

~~It also seems that due to the completion of the outer breakwater, most of the littoral transport of sand is trapped inside the harbor area. There has been no replenishment of sand to the beach area from Battery Point north. The lack of a beach area during severe storms raises the water level and exposes to wave action higher portions of the bluff area. Such storms also generate larger, steeper waves; thus the trend for this stretch of coastline has been one of gradual but constant erosion of the beach area and bluff along this reach.~~

~~In May, 1965, the beach profile was surveyed by the Army C.O.E. (Exhibit 11). At that time, the beach was composed of coarse sand and gravel which could resist the wave action against the beach but the cliff was still susceptible to the surge action and was eroded away gradually. The 1973 shoreline shows a narrow strip of sand along the beach. (Exhibit 12).~~

~~During 1973-74, the Crescent City Harbor District had dredged a small boat basin west of Citizens' Wharf. About 600,000 cubic yards of dredged material was disposed of by hydraulic dredge at the shoreline in front of the Seaside Hospital. Exhibit A-3 shows September 1973 shoreline condition during disposal of dredged material at the beach. A large pocket of sand beach had formed and the fine grain size of the dredged material was suspended and washed offshore by constant waves and currents. It should be noticed that the flow of water and silt, clay and sand was discharged by the outlet pipe of the hydraulic dredge in the center of the sand pocket. Exhibit P-3 shows April 1974 shoreline condition, after disposal of dredged material at the beach. Exhibit P-1 shows February 1976 shoreline condition with abundance of driftwood along the shore. Exhibit 11 shows January 1977 shoreline condition with only a narrow strip of shoreline remaining.~~

~~A computation between beach profiles from 1965 and 1975 was made by the Army COE. The computation assumed that a stable sorting by the Army C.O.E. process had been reached at that time (1975).~~

~~In September 1975, a new beach profile was taken near Seaside Hospital. This study shows a new loss of 30,000 cubic yards of sand since the survey of 1975. In September of 1975, approximately 75,000 cubic yards of sand (originally 600,000 cy placed in 1973-74) was left on the beach. Using an annual loss of 15,000 cy/year under normal conditions, almost all of the sand will be displaced~~

~~by 1980. The bluff along the west side of Seaside Hospital will continue to erode and that the buildings will again be in danger is a distinct possibility.~~

~~The Army C.O.E. study figures show that an annual yearly replacement rate of sand would have to be 90,000 cy/year to maintain a stabilized beach front within this area. The 90,000 cy/year allows for the settling out of silts, clays, and fine sands and the normal stabilization of the beach area. The ultimate recommendation of the Army C.O.E. study was a rubble wall extending from Battery Point northward to Pebble Beach, a distance of approximately 1.4 miles. However, local concern is for the replacement of the sand.~~

~~It is the City's feeling that designating this area as a disposal site will allow the disposal of approximately 40,000 cy/year onto the beach area thus reducing, to a larger degree, the amount of erosion that takes place within this area.~~

Although various documents provide estimates of the erosion rates along this stretch of coast, the actual data base is sparse and open to various interpretations. In the absence of conclusive information on which to accurately base long-range bluff and beach retreat rates, prudent measures are necessary in order to ensure that an adequate setback is provided for all shoreline development. Geotechnical assessments for projects along the City's oceanfront shall specifically take into account that long range bluff and beach retreat rates are based on inconclusive and sparse data. As warranted, the reports shall also identify other measures to ensure the long-term stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area, or in any way require the construction of protective devices.

The Coastal Act, Section 30233(b) allows for the disposal of beach material into appropriate areas as long as wildlife values are not significantly disrupted. Past beach nourishment experiments by the U.S. Army Corps of Engineers have confirmed that the locally available dredge spoils (from the harbor) are too fine-grained to remain on the high-energy beaches along the Crescent City bluff, and that it is prohibitively expensive to haul coarse-grained sand in from offsite sources. ~~It is the City's opinion~~ An appropriate evaluation may substantiate that placing the placement of approximately 40,000 cy sand/year uncontaminated, compatible grain-sized sand or other dredge spoil materials on South Beach and/or the sand beaches on Pebble Beach north of Preston Island will not have any significant adverse impacts on ~~wildlife values~~ coastal resources. Placing sand on the rocky beaches ~~north of~~ between Battery Point and Preston Island is inappropriate and will cause adverse impacts to tide pool organisms and other marine species.

Section 30233 of the Coastal Act requires that feasible mitigation measures be provided to minimize the significant adverse environmental effects of any

proposed fill project. The general Coastal Commission policy on the filling of wetlands has been *to require that replacement wetlands be provided at a ~~one to~~ four to one ratio; that is, for every one parcel filled, it must be replaced by four of equal biological productivity sufficient to offset both the direct loss of the existing wetlands being filled and the temporary decrease in biological productivity associated with new replacement wetlands being established.* With regard to the wetland areas in Elk Creek and the size of the City, it would be impossible to replace wetlands *at a ratio sufficient to provide equal or greater biological productivity, either onsite or offsite ~~on a four to one ratio.~~* The only alternative then, appears to be that no filling of the area be done. The Coastal Act specifically states that no diking, dredging or filling be done that will not enhance the functional capacity of the wetlands, and it further states that any alteration shall be limited to ~~very minor~~ *specified uses, such as* incidental public facilities *service purposes* or restorative measures.

The problem then becomes sand accretion in the Harbor. The accretion occurs in a west-to-east pattern, with the greatest volumes of sand accumulating at the western edge of the Harbor, near Dutton's Dock. The Harbor District has a continuing dredging operation in the Harbor to deal with this problem. However, it continues to be one of the major mitigating factors in the Harbor development. This problem has been identified in many studies over the years ~~and is currently being studied, yet again, by the Army Corps of Engineers. (Exhibit 11&13)~~

The continued dredging of the Harbor is the only possible way to help mitigate the sand accretion problem. Currently, the sand is being disposed of on Harbor lands, but other sites are available for disposal and will be needed if the expansion of the Harbor is to proceed. The amount of sand that will be dredged and the depths that need to be maintained will require additional disposal sites other than those in the Harbor. There are two sites within Crescent City where sand disposal could be accomplished. The first area is City-owned property near Elk Creek, including the water area and the area in front of Shoreline Campgrounds (although that area is directly in front of the west-to-east pattern of movement). ~~and the bluffs in front of Seaside Hospital. The site in front of Seaside Hospital would stop the erosion of the bluffs.~~

The other alternatives for disposal would be to truck the dredged material to up-land sites, or to store and stock-pile the dredged material on City property and sell it to contractors for fill, or to dispose of it at an ocean disposal site.

RECOMMENDATIONS:

1. The City shall limit the filling and dredging of coastal waters to those uses that are consistent with Section 30233 of the California Coastal Act ~~as described on page 34,~~ and which directly enhance harbor dependent uses such as recreational or industrial programs.

2. The City shall restrict the diking, dredging and filling of the wetlands in Elk Creek and McNamara annexation within the Coastal Zone to those allowable uses identified within Section 30233 of the California Coastal Act ~~as described on Page 31.~~
3. ***The City shall require that new development minimize risks to life and property in areas of high geologic hazard, assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***
4. ***The City shall approve revetments, breakwaters, groins, harbor channels, seawall, cliff retaining wall, and other such construction that alters natural shoreline processes when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.***
- ~~3.~~ 5. The City of Crescent City shall, in conjunction with the Harbor District, County of Del Norte, Del Norte Hospital District, Coastal Commission staff, and the Dept. of Fish & Game, develop a sand management program for the any dispersal of sand on the beach area west of Seaside Hospital on existing fine-grained sand beaches only. The plan shall include, but not be limited to, amount of sand to be placed yearly, months of the year when placement is possible, hours of operation and the need for annual sand budget. ***Any such program shall require a LCP amendment approved by the California Coastal Commission.***

~~The City has established a priority for placement of such dredge sand to be west of Seaside Hospital in order to arrest the erosion of the bluffs within this location as long as such placement is in conformance with the finalized sand management program.~~

- ~~4.~~ 6. The City's priority for use of any dredged sands is to be for the Battery Point Recreational Area development. The placement of sand in this area shall conform with ~~the duly adopted~~ ***any sand management plan program approved by the California Coastal Commission*** and the following restrictions:
 1. The following uses for said sand are prohibited:
 - (a) The development of a parking and picnic area.
 - (b) The filling between Battery Point and the mainland.

If the recreational boating marine takes place, the placement of sand for a jetty shall be the least amount needed to provide for a single-wide roadway on top of the jetty.

The LUP amendment as submitted is inconsistent with the geologic hazard and shoreline protection policies of the Coastal Act and must be denied. As modified, the proposed LUP Amendment is consistent with Sections 30253 and 30235 as the language of those sections has been accurately incorporated into the proposed LUP Amendment.

6. Protection of Marine Resources and Water Quality.

Coastal Act Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.[emphasis added]

Coastal Act Section 30231 states that:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharge and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams. [emphasis added]

The proposed amendment is intended to accommodate development of the former site of the Seaside Hospital with a hotel and restaurant development. Such a development would include large amounts of impervious surfaces that would prevent infiltration of stormwater into the ground and result in greater amounts of sediment and other pollutants running off the site and entering coastal waters. In addition, any such commercial development would likely include large parking lots where oil and grease deposits from vehicles would further degrade the water quality of stormwater runoff from the site.

The currently certified Crescent City LUP contains very little policy language specifically addressing the protection of water quality. With the exception of quoting Coastal Act Section 30231 within the preface of the Environmentally Sensitive Habitat Areas / Water and Marine

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Resources chapter, the City's currently certified LUP contains no policies directly concerning protection of water quality. Neither are there any sections within the City's Coastal Zone Zoning Regulations that provide standards for runoff control and other water quality standards.

To address this concern, the proposed LUP amendment would add a policy to Chapter 7 – Public Works of the LUP stating that the City shall require that best management practices (BMPs) for controlling stormwater runoff and maintaining water quality be incorporated into development design and operation.

The proposed policy attempts to carry out the provisions of Section 30231 of the Coastal Act by providing a policy framework that could be used for requiring future development at the site to incorporate best management practices to treat runoff from the site. The proposed policy would set as a City requirement that measures for stormwater and runoff management to maintain water quality be included within the design and operation of new development. However, the policy does not further detail the types of management measures to be used (e.g., onsite retention/detention, point-of-discharge filtration, etc.) and moreover, does not reference any numerical baseline for when these measures would be provided (i.e., threshold of stormwater runoff event).

Critical to the successful function of post-construction treatment Best Management Practices (BMPs) in removing pollutants in stormwater to the maximum extent practicable is the application of appropriate design goals for sizing BMPs. The majority of runoff is generated from small storms because most storms are small. Additionally, stormwater runoff typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small more frequent storms, rather than for the large infrequent storms, results in optimal BMP performance at lower cost.*

The Commission finds that sizing structural BMPs to accommodate the stormwater runoff from the 85th percentile storm event is equivalent to sizing BMPs based on the point of diminishing returns (i.e., the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs).

The stormwater runoff treatment policy proposed to be added to the LUP by the LUP Amendment does not contain any such numeric design goal for the best management practices that it would require to be incorporated into new development.

Therefore, the Commission finds that the LUP Amendment, as submitted, is not consistent with the Coastal Act Section 30231. The Commission finds that it is necessary to include language providing a numerical design goal for best management practices to ensure consistency with the Coastal Act. Therefore, the Commission attaches **Suggested Modification No. 5**, which adds language to proposed amended LUP Chapter 7 Policy #2 providing that the best management

* ASCE/WEF, 1998. Urban Runoff Quality Management. WEF Manual of Practice No. 23, ASCE Manual and Report on Engineering Practice No. 87.

practices to be required for coastal development projects be designed to treat or filter stormwater runoff from each storm, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs. This measure would ensure that future development of the former Seaside Hospital site will be required to capture and infiltrate or treat all runoff from development from all but the largest 15% of storms.

SUGGESTED MODIFICATION NO. 5: Policy 2 of Chapter 7 – “Public Works” of the City of Crescent City Land Use Plan shall be modified as follows:

~~The City shall reserve for the expansion of Seaside Hospital, and related medical facilities, the specific area between Battery Street on the south, to Second Street on the North to “C” Street on the East to the Pacific Ocean to the West. The City shall require that best management practices (BMPs) for controlling stormwater runoff and maintaining water quality be incorporated into development design and operation. All post-construction structural BMPs (or suites of BMPs) for new development, including but not limited to, recreational or visitor-serving commercial development within Commercial Waterfront zoning districts, shall be designed to treat, infiltrate or filter stormwater runoff from each storm event, up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor, for flow-based BMPs.~~

The LUP amendment as submitted is inconsistent with the water quality protection policies of the Coastal Act and must be denied. As modified, the proposed LUP amendment is consistent with Section 30231, as future development would be regulated at the subject property in a manner that would ensure that the quality of coastal waters would be maintained.

7. Conclusion

Much of the proposed Land Use Plan amendment (i.e., deleting outdated text, amending site land use designation, revising the land use map) is consistent with the Coastal Act. The proposed inclusion of visitor serving commercial uses as allowable uses within the Commercial LUP designation is consistent with the priority use policies and section 30250 of the Coastal Act. All of the other existing land use designations set forth for the various planned areas would remain as currently certified in conformance with the Coastal Act. Five aspects of the amendment as proposed either did not address particular Coastal Act policies relevant to future development of the site with the new uses the amendment would allow or were too vaguely worded to be found clearly in conformance with the Coastal Act. These policies regarded exactions for public access facilities, protecting coastal recreation, authorizing development in coastal waters, and protecting water quality. Therefore the Land Use Plan amendment as submitted is not consistent with the Coastal Act and must be denied. However, with the suggested modifications, the LUP amendment would be more accurate and internally consistent, and as a result, achieve

consistency with the Coastal Act. Therefore, the Commission finds the City's Land Use Plan, as modified, conforms with the requirements of Chapter 3 of the Coastal Act pursuant to Section 30512.2 of the Coastal Act.

PART FOUR: AMENDMENT TO IMPLEMENTATION PROGRAM

I. ANALYSIS CRITERIA

Section 30513 of the Coastal Act establishes the criteria for Commission action on proposed amendments to certified Implementation Programs (IP). Section 50513 states, in applicable part:

...The commission may only reject zoning ordinances, zoning district maps, or other implementing actions on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection specifying the provisions of land use plan with which the rejected zoning ordinances do not conform or which it finds will not be adequately carried out together with its reasons for the action taken.

II. FINDINGS FOR DENIAL OF IP AMENDMENT NO. CRC-MAJ-1-00 AS SUBMITTED AND CERTIFICATION IF MODIFIED

The Commission finds and declares as following for Amendment No. CRC-MAJ-1-00:

1. Description of Proposed Implementation Program Amendments:

The proposed IP amendment includes one text change to create a new zoning district, a reclassification of the zoning designation for the subject 4.45-acre area, and amendment of the Zoning Map to reflect the changes to the zoning designations.

The three amendments proposed by this IP Amendment are as follows:

- a. Create a Coastal Zone Waterfront Commercial Zoning District. The City of Crescent City is seeking to modify the City's Coastal Zone Zoning Regulations to create a new visitor-serving commercial zoning district and designate the proposed hotel resort site with the new designation. The proposed amendments primarily involve a zoning code text change to add a new zoning district titled "CZ-CW Coastal Zone Waterfront Commercial District." The proposed zone would provide for development of hotels, motels and various other visitor-serving facilities by-right and allow for development of accessory uses and structures, parking facilities, and public utility uses and structures upon securing a conditional use permit. The zoning district would also establish

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regulations regarding maximum building heights, minimum lot areas and setbacks, requirements for site plan architectural review, and include general regulations requiring permitted uses to be conducted solely within enclosed buildings, with specific exceptions, and operational constraints to prevent nuisances. This code section would be contained within the City's Coastal Zone Zoning Regulations as Chapter 17.73. A copy of the proposed code section is included in Exhibit No. 5.

- b. Amend the zoning designation for the 4.45-acre former Seaside Hospital site (portion of APN 118-020-28) from Residential-Professional (CZ-RP) to the newly created Coastal Zone Commercial Waterfront (CZ-CW) zoning designation.
 - c. Amend the IP Coastal Zoning Map. The zoning map would be amended to reflect the changes in zoning designations from CZ-RP to CZ-CW for the former Seaside Hospital / proposed Redwood Oceanfront Resort site.
2. Consistency with LUP Land Use Designations.

Under the City's current coastal zoning ordinance provisions, there are no commercial zoning districts that allow for visitor-serving uses such as hotels, motels, restaurants, and licensed establishments outside of the highway service corridor setting. To accommodate the proposed hotel project at the former Seaside Hospital site and to establish an appropriate zoning district for areas outside of the highway service corridor where visitor-serving uses would be desirable, the City has proposed that a new Coastal Zone Waterfront Commercial (CZ-CW) zoning district be established. The proposed amendment would allow development of hotels and motels, and a variety of other visitor-serving facilities by right, and, subject to a use permit, accessory uses and structures to serve the primary use, parking facilities, and some public utility services on property within CZ-CW zoning districts. The full text of the proposed new zoning district may be found in Exhibit No. 5.

As amended to incorporate the changes proposed by LUP Amendment No. CRC-MAJ-1-00, the LUP would provide for visitor-serving commercial uses to be developed within areas designated for "Commercial" land use. The new CZ-CW zone would implement that change to the LUP, appropriately allowing a hotel and restaurant project to be developed at the site of the former Seaside Hospital. This proposed change to the IP to create this new zoning district would therefore conform with and adequately carry out the LUP as proposed to be amended.

3. Consistency with Visual Resources Protection Policies of the LUP.

LUP Chapter 3 - *Coastal Visual Resources and Special Communities* Policy #1 states, in applicable part:

The City shall encourage the maintenance of the visual and scenic beauty of Crescent City...

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Although the existing certified LUP includes policies that: (1) prohibit the erection of signage in areas zoned Open Space; (2) protect view corridors along the Highway 101 southern entrance into the City; and (3) preserve the visual character of the town as expressed in its historically or architecturally significant structures, the current certified LUP does not contain any policies specifically stating the requirements of Coastal Act Section 30251 as relate to the protection of visual resources.

However, Suggested Modification No. 6 would add language to the LUP that would incorporate the requirements of Section 30251, including the provision that new development be compatible with the character of surrounding areas. The proposed new Coastal Zone Zoning Regulations Section 17.73.040A raises a concern regarding consistency of the proposed zoning regulations with these provisions of Suggested Modification No. 6. Section 17.73.040A as proposed, in applicable part, provides as follows:

Height and area regulations.

In the CZ-CW coastal zone waterfront commercial district the height of buildings and the maximum dimensions of yards and lots shall be as follows:

- A. Height. The maximum building height shall be thirty-five feet, **unless a use permit is approved by the planning commission...**
[emphasis added]

The proposed CZ-CW district would be located along the City's western oceanfront at the terminus of Front Street at the former Seaside Hospital site. Adjoining the proposed zoning district to the northwest and southeast are a mixed-use residential-professional area (CZ-RP) and a single-family residential district (CZ-R1), respectively. Both of these areas are effectively built-out with few if any vacant parcels. Most of the development in the area is well below 35 feet in height with the most dominant structures being located at the former commercial fueling depot plant located 200 feet away to the southeast which has tank structures as high as approximately 28 feet. To the southwest, the site is bounded by a sandy-rocky shoreline zoned as Coastal Zone – Open Space (CZ-O). Restricting the height of new development in the proposed new zoning district to protect visual resources is critical to ensure compatibility with that of the surrounding structures and avoiding impacts shading and viewshed impacts to the Open Space-zoned areas along the beachfront. This concern is especially significant given the visually prominent location of this district at a major crossroads in the City along the waterfront. To conform to the LUP as amended and modified, the IP must provide for an appropriate height limit.

For the proposed zoning district to be effective in ensuring that new development is consistent with the visual resource protection policies of the LUP, any mechanism for considering heights greater than those allowed in the surrounding areas should include requirements that specific findings be made or that mitigation measures be included in exchange for the granting the requested increase in height. As proposed, the new zoning district standards would allow for building heights greater than 35 feet to be granted at the discretion of the Planning Commission

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in the absence of such criteria. This contrasts with other provisions within the current certified LCP for granting heights greater than those stated within zoning district regulations. Under Coastal Zone Zoning Regulations Section 17.78.020, an increase in height of not more than ten feet is allowable in districts with a thirty-five-foot height limit if two side yards of not less than fifteen (15) feet each are provided. Furthermore, under the Variance provisions of Coastal Zone Zoning Regulations Section 17.85.010, unlimited height increases can be authorized provided seven affirmative findings can be made. The Commission thus finds that it is necessary to modify Section 17.73.040A. **Suggested Modification No. 8** modifies Section 17.73.040A to delete the provision allowing for the Planning Commission to grant approvals for building heights greater than 35 feet. This language reflects the stronger and more precise language of Coastal Act Section 30251 incorporated into Suggested Modification No. 6 and provides greater internal consistency with respect to LUP Chapter 3 – Visual Resources and Special Communities Policy # 1 regarding the protection of the scenic beauty of the City while not obviating the ability of the City to grant deviations to the height limits of the zoning district in special circumstances through other existing hearing processes.

SUGGESTED MODIFICATION NO. 8: Section 17.73.040A of the Coastal Zone Zoning Regulations shall be modified as follows:

- A. Height. The maximum building height shall be thirty-five feet, ~~unless a use permit is approved by the planning commission.~~

4. Conclusion

For the most part, the zoning code amendments (i.e., amending site zoning, revising the zoning map) as proposed would conform with and be adequate to carry out the provisions of the City's Land Use Plan as amended. However, one provision of the proposed CZ-CW district that would allow for building heights greater than 35 feet to be granted at the discretion of the Planning Commission would not ensure that new development in the new zoning district would be compatible with the character of the area, contrary to existing LUP Chapter 3 – Visual Resources and Special Communities Policy # 1 and LUP Chapter 3 – Coastal Visual Resources and Special Communities Policy #4 as modified by the Commission in Suggested Modification No. 6. Therefore the Implementation Program Amendment as submitted does not adequately carry out the provisions of the LUP and must be denied pursuant to Section 30513 of the Coastal Act. However, with the suggested modification, the zoning code amendment would not allow for the development of structures within the proposed CZ-CW district that are significantly taller than structures in the surrounding area and thereby conforms with and is adequate to carry out the requirements of the LUP, as amended, that new development be compatible with the character of the area.

Therefore, the Commission finds the City's Implementation Program, as modified, conforms with and is adequate to carry out the requirements of the certified Land Use Plan consistent with Section 30513 of the Coastal Act.

PART FIVE: CALIFORNIA ENVIRONMENTAL QUALITY ACT

In addition to making a finding that the amendment is in full compliance with the Coastal Act, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(A) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment.

As discussed in the findings above, the amendment request with incorporation of the suggested modifications is consistent with the California Coastal Act. There are no other feasible alternatives or mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment. The Commission finds that approval of the LCP Amendment with the incorporation of the suggested modifications will not result in significant environmental effects within the meaning of the California Environmental Quality Act.

EXHIBITS:

1. Regional Location Map
2. Excerpt, Currently Certified Land Use Map
3. Excerpt, Currently Certified Zoning Map
4. City Resolution of Submittal
5. Proposed Amendments to the City of Crescent City Land Use Plan and Implementation Program
6. Sight Line Diagram Illustrating Potential for Retention of a Northwesterly View Corridor